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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,332	07/11/2003	Bruce Youngs	2001767	1331

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EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,332

Applicant(s)

YOUNGS ET AL.

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-14-03 (and E-IDS)</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Group I in the reply filed on 7-16-04 is acknowledged. It is noted that applicant failed to respond to the election of species requirement presented in paragraph 7 of the last office action. In an effort to expedite prosecution and after reconsideration, an action on the merits of all pending claims is included herein.
2. The disclosure is objected to because of the following informalities: on line 1 of paragraph 40, "Figs. 1 7" should be --Figs. 1-7--. Additionally, "23" in paragraph 44, line 11 and "24" in paragraph 44, line 12 should be --33--and --34--respectively. In paragraph 45, "26" in line 1, "23" in line 4, and "23" in line 5 should be --36--, --33--, and --33--respectively. Finally, in paragraph 47, line 5, "23" should be --33--.

Appropriate correction is required.

3. Claims 2-7 and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, "the open hook member" lacks clear antecedent basis and should apparently be --the retractable hook member--.

Re claim 3, "the open hook member" lacks clear antecedent basis and should apparently be --the retractable hook member--. Additionally, "a" in line 2 should be --an--.

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Re claim 5, “the open hook member” lacks clear antecedent basis and should apparently be –the retractable hook member--.

Re claim 6, “the open hook member” lacks clear antecedent basis and should apparently be –the retractable hook member—at both occurrences (i.e. 2 places total).

Re claim 22, “the open hook member” lacks clear antecedent basis and should apparently be –the retractable hook member--.

Re claim 23, “the open hook member” lacks clear antecedent basis and should apparently be –the retractable hook member—at both occurrences (i.e. 2 places total).

Re claim 24, “the open hook member” lacks clear antecedent basis and should apparently be –the retractable hook member--.

Re claim 25, “the open hook member” lacks clear antecedent basis and should apparently be –the retractable hook member--. Additionally, the recited second bezel in line 2 is confusing as no “first” bezel per se has been previously recited.

Re claim 26, “the open hook member” lacks clear antecedent basis and should apparently be –the retractable hook member--. Additionally, the recited second bezel in both lines 3 and 4 (i.e. 2 places total) is confusing as no “first” bezel per se has been previously recited as discussed above regarding claim 25.

Re claim 27, the recited second bezel in both lines 2 and 4 (i.e. 2 places total) is confusing as no “first” bezel per se has been previously recited as discussed above regarding claim 25.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hetchler.

Hetchler teaches a cargo securing system for a vehicle cargo area including a static hook assembly 60 with a closed hook as broadly claimed, a retractable movable hook 80, and a line 70.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 25, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetchler in view of Akright.

Hetchler teaches all of the claimed features as discussed above regarding claims 1 and 21 but fails to teach that the stationary hook defines a pivotable closed hook in a bezel.

Akright teaches a recessed pivotally mounted closed hook 50+ which pivots to a non-use out of the way position inside a bezel as broadly claimed.

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In order to provide more cargo space when the anchor assembly is not in use, it would have been obvious to one of ordinary skill in the art to replace the stationary anchor 60 of Hetchler with a retractable anchor including a pivoting closed hook member recessed in a bezel in view of the teachings of Akright.

8. Claims 3 and 26, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetchler in view of Shambeau et al.

Hetchler teaches all of the claimed features as discussed above regarding claims 1 and 21 but fails to teach that the stationary hook defines a pivotable closed hook in a bezel including actuator and engagement portions retracting and extending as recited.

Shambeau et al teaches a recessed pivotally mounted closed hook 48+ which pivots to a non-use out of the way position inside a bezel as broadly claimed.

The device includes an actuator portion (protrusion at 52) and an engagement portion 48 as broadly claimed. Note at least one of the protrusions at 52 retracts as the engagement portion is extended as broadly recited.

In order to provide more cargo space when the anchor assembly is not in use, it would have been obvious to one of ordinary skill in the art to replace the stationary anchor 60 of Hetchler with a retractable anchor including a pivoting closed hook member recessed in a bezel and defining actuator and engagement portions in view of the teachings of Shambeau et al.


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9. Claims 4-7, 22-24, and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Dahlgren additionally teaches a retractable vehicle cargo restraint.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg